THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 12835 of 2007

Date:21-06-2007

Between:

N.Lakshminarayana

.. PETITIONER

AND

The S.H.O.,P.S.Pedavegi and three others

..

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents herein in registering the crime against the petitioner herein and his family members for the offences punishable under Sections 498-A and 302 IPC, as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

It is the case of the petitioner that one Nadella Saila Sri @ Chanti is the wife of the petitioner. On 13.06.2006 at about 9.00 p.m. the deceased-wife of the petitioner was found unconscious and at that time he was attending a public meeting and he came to know that his deceased wife received bleeding injuries, then he immediately rushed to the house and taken her to the hospital where the doctor declared her dead. It is stated that when the petitioner wanted to give a complaint, the police refused to take the complaint. But, on the complaint made by his in-laws, a case has been registered against the petitioner under Sections 498-A and 302 I.P.C. According to the petitioner, his wife was murdered by some other persons. But, the police in spite of conducting investigation in a scientific manner, adopted a mechanical way basing on the oral complaint from the real culprits who were successfully escaped from the clutches of law. It is stated that the petitioner made representation on 29.03.2007 requesting the police to conduct the investigation. But, the said representation/complaint has not been considered. Therefore, the petitioner seeks to issue a writ of mandamus.

Admittedly, a charge sheet has been filed against the petitioner and his brother after completing the investigation in Crime No.82 of 2006 under Sections 498-A and 302 r/w 34 I.P.C. alleging that the parents of the deceased gave 5 ½ acres of land, 30 sovereigns of gold and cash of Rs.60,000/- as dowry at the time of her marriage in the year 1988. It is stated that the petitioner migrated to Ankannagudem of Pedavegi mandal and started a poultry farm besides attending to the cultivation

and used to reside in a shed being part of the poultry farm. It is stated that on 13.06.2006 when the deceased quarreled with the petitioner for not constructing the house, the petitioner grew wild and in pursuance of his pre-determination, picked up the iron rod kept in the doorsill corner and hit over the head of the deceased forcibly, as a result the deceased sustained serious head injuries, her skull broken and the brain matter exposed and the petitioner immediately switched off the lights, screened the blood stained iron rod in the premises of poultry farm and went to attend the party meeting. Thereafter, the petitioner came back pretending to be an innocent and raised hue and cry.

Pursuant to the said complaint, during the course of investigation, the police recovered the material objects under a cover of panchanama and took up the photographs of the scene and the deadbody. The petitioner also confessed about the rod said to have been used by him in the commission of offence for killing his wife. It is stated that the petitioner committed the murder of his wife and also harassed her and therefore, he is liable for the offences under Sections 498-A and 302 IPC and his brother is liable for the offence under Section 498-A IPC.

In view of the aforesaid circumstances and in view of filing of charge sheet by the police against the petitioner, the question of considering the representation of the petitioner does not arise. If according to the petitioner, somebody has murdered his wife, it is always open for him to file a private complaint against such persons to prove his innocence.

Accordingly, the writ petition is dismissed. No costs.

V.ESWARAIAH, J.

Date:21.06.2007.
ccm